

UNITED STATE DISTRICT COURT
For the Eastern District of NY

Sun-Ming Sheu
Ming-Chien Hsu Plaintiffs

06-CV-02235
Affirmation

Vs

Centex Home Equity
Part of the financial services group of Centex Corp.
Dallas, Texas.

Hon. Allyne R. Ross

Defendant

— Plaintiffs Sun-Ming Sheu and Ming-Chien Hsu in the above
entitled action, and respectfully move this Court to issue an
order to **Recuse** .

 The reason why Plaintiffs entitled to the relief, Plaintiffs seek is
the following:

1. Pursuant to US Code **TITLE 28 > PART I > CHAPTER 5**
> § 144

§ 144. Bias or prejudice of judge

Whenever a party to any proceeding in a district court makes and files a
timely and sufficient affidavit that the judge before whom the matter is
pending has a personal bias or prejudice either against him or in favor of any
adverse party, such judge shall proceed no further therein, but another judge
shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

TITLE 28 > PART I > CHAPTER 21 > § 455

Disqualification of justice, judge, or magistrate judge

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding

2. “No body is above the law”, Plaintiffs have two related cases both handling by Judge Ross. Pursuant to Rule 55(a) of the Federal Rules of Civil Procedures for failure to plead or otherwise defend the action before answer due in 5/31/2006 and 6/1/2006, it should enter default judgment only, but Judge Ross denied it without authority. Defendant filed a motion to dismiss in 6/12/2006. According Judge Rose’s “Individual Practice”, for a motion other than discovery motions should arrange a “pre-motion

conference “ ,the moving party shall submit a letter not to exceed 3 pages in length setting forth the basis for the anticipated motion and a response letter should file within 7 days,but Judge Ross eat her own word ,violated her own rule to accept a motion for dismissal,without pre-motion letter from the moving party ,nor response letter , pre-motion conference. It’s very clearly,Judge Ross in favor of adverse party.

3. Pursuant to “FRCP,Rule 26(a)(1)(B)a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment”. Plaintiffs request Judge subpoena some evidence that under Defendant’s control ,but Judge Ross never say yes and never say no and refuse to do anything,but insist that evidence “vague”. If after subpoena,after review the evidence and say “vague”,it’s acceptable,but before subpoena insist evidence “vague” and refuse to subpoena,apparently she made decision based on bias and prejudice.

4. A respectable judge never eat her own word,but Judge Ross eat her word again. Defendant of this case sent a Pre-Motion letter in 7/12/2006,Judge Ross order to have a conference in 7/14/ 2006,before she got "Response letter" from Plaintiffs in 7/17/2006(due date is 7/19/2006) . Apparently Judge Ross made decision before she read Plaintiff's response letter,this kind "one side decision" is not fair at all.so Plaintiff sent a letter to request Judge Ross to re-consideration her 7/14/2006 order,but Judge Ross denied it again and insist to have pre-motion conference to accept motion to dismiss case again..

5. Pursuant to FRCP,Rule 26(a)(1)(B), Plaintiffs filed a discovery motion to get vital evidence that support Plaintiff's claim,but Judge Ross's decision very 'vague" looks like she only interested to have pre-motion conference that in favor Defendant to file motion to dismiss this case only.

6. IF the following evidence that further support Plaintiff's claim never been disclosed and this court accept motion to dismiss this case without review all evidence it, Apparently,it's not in favor of Plaintiffs again. Judge Ross's decisson is very "vague",looks like she has endorsed the motion,but not clear,very vague..

Evidence under Defendant's control

1. Amy Cheng's full set Original loan application Documents.
2. Amy Cheng's driver license.
3. Wang,Jin-Rong's driver license.
4. Wang,Jin-Rong full set Original loan application Documents.
5. Wang,Jin-Rong's full set closing documents
6. Amy Cheng's W-2 form
7. Amy Cheng's credit report
8. Amy Cheng's verification of employment
9. Plaintiff Sun-Ming Sheu's Residential contract of sales
10. Plaintiff Ming-Chien Hsu's fake power attorney.
11. 5/23/2000 all payment's return checks.
- 12.. HUD-1 Statement that signed by Yakov Bohensky.
13. Yakov Bohensky's reports to Centex.
14. Amy Cheng's full set closing documents in 5/24/2000.
15. Defendant's title insurance claims form to Old Republic Title insurance.
16. All letters, fax ,communication ,payment checks copy from Old Republic Title Insurance.
17. Defendant's mortgage broker contract with the Mortgager broker Pui-Yim Chiu(Yek-Yun Chiu)
18. Defendant's commission payment check copy to Pui-Yim Chiu.(Yek-Yun Chiu,Absolute Mortgage)

7. **The United States Constitution guarantees an unbiased ,unprejustice Judge who will always provide litigants with equal and full protection of ALL RIGHTS. Judge Ross always eat her own “Individual practice rule” or make decision above the law. Plaintiffs respectfully demands Jjudge Ross recuse herself..**

Plaintiffs declare under penalty of perjury that the foregoing is true and of perjury and Accurate to the best of our knowledge.

Date:8/10/2006

ProSe

SUN-MING SHEU

MING-CHINE HSU

45-14 158 st

Flushing,NY 11358

Sun-ming Hsu is for

Hon ALLYNE ROSS
United State District Judge

06-cv-2158
8/9/2006

Dear Hon. Ross:

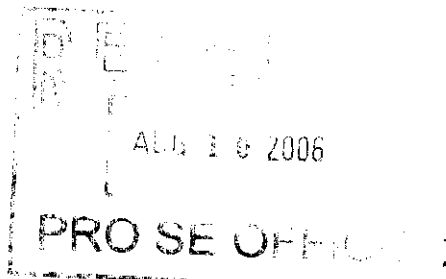
Why your Honor so scare to **order to subpoena the falsify** court documents ? Why your Honor so scare to face judicial scandal ? If your honor review the evidence first,then make dicsiion,your Honor will win more more respect,but your Honor scare to say yes or no to subpoena the falsify documents and insist 'vague',"conclusory allegation" ,it's nonsense. Can your Honor prove the evidence "vague" ?

Your Honor intentionally igonor all evidence that support our claim ,it's not fair at all. If your lender is Chase bank of Texas,but a judge insist your lender is SMI Mortgage and insist to foreclosure your house without hearing or trial ,you will say this judge has "confirmation bias" and prejustice,too. **Personal bias or prejudice is allowed by US code 28 § 144 ?**

Respectfully Submitted,

SUN-MING SHEU
MING-CHIEN HSU

Sun-ming Sheu attorney in fact



UNITED STATE DISTRICT COURT
For the Eastern District of NY

Sun-Ming Sheu
Ming-Chien Hsu

Plaintiffs

Affirmation of Service
06-CV-02235

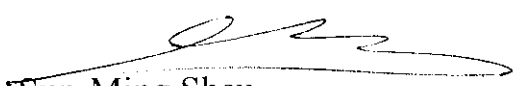
Vs
Centex Home Equity.

Defendant

I, Sun-Ming Sheu ,declare under penalty of perjury that I have served a
copy of the attached to

Lowenstein Sandler PC
Kara Kantor Lewis
1251 Ave of America,18th Floor
NY,NY 10020

Date: 8/10/2006


Sun-Ming Sheu
45-14 158 Street
Flushing,NY 11358

